

December 2, 2019

Dear Honorable Attorney General Ferguson,

We are writing to you, and to the Washington Office of the State Attorney General, to raise complaints about the egregious process in which the Seattle School District is moving to change policy on advanced learning in Seattle Public Schools, as well as existing practices that violate the rights of students. For advanced learners, and particularly, highly capable students, access to accelerated learning and enhanced instruction is access to a basic education, and is required by law in Washington state. We assert that the Seattle School District is not following the law.

The Seattle School District is not identifying, placing, or supporting students equally on the basis of race. By its own admission, the programs for advanced learning, including Highly Capable education, does not reflect the general racial makeup of the student population. The District has been advised of this deficiency over the years by task forces convened by the District as well as consultants hired by the District. In spite of solutions which have been offered to improve identification of highly capable students of color, there has been no concerted effort to correct this imbalance. We ask that your office investigate the disparate impact on students, including the lack of processes for universal identification, publicity of the program (including information around District provided appeals of testing), placement, and supports which the District has allowed to continue which particularly impact students of color.

The Seattle Public School District is not providing a basic education for all advanced learners in the District. The Multi-Tiered Systems of Support model (MTSS), which the District claims to employ to meet the needs of all students, has not been adequately funded, staffed, provided with materials, or supported to deliver these programs and services as required. There are no District training programs in place to train new staff to specifically teach Highly Capable and Twice Exceptional students. In many elementary schools, the programs for Advanced Learning Opportunities that are supposed to be provided in neighborhood schools do not exist at all, or do not meet the standard of providing a basic education for advanced learners.

The Seattle Public School District administrative staff is currently proposing to dissolve the Highly Capable Cohort (HCC) at Washington Middle School (WMS), beginning in the 2020-21 school year, and administrative staff is already informing parents of this decision before a required vote of the Board of Directors has even taken place. This policy may be adopted by the SPS Board of Directors as soon as January 2020. The administration is circumventing normal Board policy safeguards and procedures and is urging the Directors to discontinue the HCC program at WMS. This will be a break in the Highly Capable pathway for Southeast Seattle, but will not affect schools in North or West Seattle. If this change is made and implemented the removal of services and the break in the pathway for Highly Capable students will have a disparate impact on students of color in Southeast Seattle due to the demographics of that area of the city when compared to Seattle overall.

The dismantling of HCC at WMS, and if realized city-wide, will have a disparate impact on highly capable students with disabilities (Twice Exceptional or "2e" students). Placing highly capable students in a general education setting where advanced learning opportunities are not delivered amply for a Free Accessible Public Education, and where resources are not available to increase delivery of an increased level of highly capable education through MTSS in neighborhood schools will negatively impact and undermine the effectiveness of Special Education supports that some of these students need through IEP and 504 plans. Placing Highly Capable students in a classroom that will not provide adequate supports for special education needs and a FAPE based on their actual academic level constitutes an added restricted environment for learning, and a violation of the law.

Because of the egregious nature of these conditions and the short time frame of these potential decisions, we ask that you immediately intervene in the administration's or Board's further erosion of advanced learning education, including the highly Capable Cohort, and investigate these matters.

Sincerely Yours,

[Signatures redacted]

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